

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Birkholz et al.

Serial No.: 09/912,975

Confirmation No.: 6558

Filed: July 25, 2001

For: Method and Apparatus for
Automating Software Upgrades

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Group Art Unit: 2122

Examiner: Nguyen-Ba, Hoang

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37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office to fax number 703/872-9306 to the attention of Examiner Hoang B. A. Nguyen-Ba on the date below.

February 23, 2005
Date Gero G. McClellan

Dear Sir:

RESPONSE TO FINAL OFFICE ACTION DATED JANUARY 21, 2005

In response to the Final Office Action dated January 21, 2005, having a shortened statutory period for response set to expire on April 21, 2005, please enter this response and reconsider the claims pending in the application for reasons discussed below. While no fees are believed due, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 09-0465 for any fees, including extension of time fees or excess claim fees, required to make this response timely and acceptable to the Office.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper. Remarks/Arguments begin on page 8 of this paper.

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